

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Case No. 3:01CR79
	)	Case No. 3:05CV400
v.	)	
	)	
KEITH A. ELSESSER,	)	ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the Court on defendant's request for certificate of appealability (Filing No. 11). Defendant wishes to appeal from this Court's memorandum opinion and order (Filing Nos. 8 and 9) denying his § 2255 motion and granting the government's motion to dismiss.

Title 28, U.S.C. § 2253, requires that the Court find defendant has made a substantial showing of denial of a constitutional right. After a further review of defendant's motion, the Court finds defendant has failed to make such a showing, and his request for certificate of appealability will be denied. Accordingly,

IT IS ORDERED that defendant's request for certificate of appealability is denied.

DATED this 15<sup>th</sup> day of March, 2006.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, District Judge  
United States District Court